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RICHARD W. WIEKING  
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NORTHERN DISTRICT OF CALIFORNIA

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13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 v.

19 RODERICK CUDJO,

20 Defendant.

No.: 3-05-70778 JCS

PARTIES' STIPULATION AND  
~~PROPOSED~~ ORDER CONTINUING  
TIME FOR INDICTMENT

21 The parties stipulate and agree, and the Court finds and holds, as follows:

22 1. The parties initially appeared in United States Magistrate Court on September 30, 2005.

23 The matter was continued until October 20, 2005 for arraignment on the indictment or  
24 preliminary hearing.

25 2. On October 20, 2005, both parties indicated that they were working on a pre-indictment  
26 resolution of the matter. The defendant agreed to waive time pursuant to Federal Criminal Rule  
27 5.1 and also pursuant to Title 18 U.S.C. § 3161 – the Speedy Trial Act. The matter was  
28 continued until November 2, 2005.

3. On November 2, 2005, the parties indicated that additional time was required. The

STIPULATION AND PROPOSED ORDER  
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1 defendant again consented to waive time pursuant to Rule 5.1. Additionally, due to effective  
2 preparation of counsel, time would be excluded pursuant to Title 18 U.S.C. § 3161 and the  
3 Speedy Trial Act. The parties requested this exclusion of time and the matter was continued  
4 until November 15, 2005.

5 4. In light of the foregoing facts, the failure to grant the requested exclusion would  
6 unreasonably deny counsel for the defense the reasonable time necessary for effective  
7 preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(A),  
8 (B)(iv). The ends of justice would be served by the Court excluding the proposed time period.  
9 These ends outweigh the best interest of the public and the defendant in a speedy trial. See id. §  
10 3161(h)(8)(A).

11 5. For the reasons stated, the time period from November 1, 2005 through November 15,  
12 2005, shall be excluded from the calculation of time under the Speedy Trial Act.

13 SO STIPULATED.

14 DATED: 11/03/05

Respectfully Submitted,

15  
16  
17 /s/  
SUSAN R. JERICH  
Assistant United States Attorney

18 DATED: 11/03/05

19  
20 /s/  
GEOFFREY HANSEN  
Counsel for Defendant Roderick Cudjo

21  
22 PURSUANT TO STIPULATION, IT IS SO ORDERED.

23  
24 DATED: 11 / 4 / 05

  
25 HON. EDWARD M. CHEN  
United States Magistrate Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Parties' Stipulation and Proposed Order in the case of United States v. Roderick Cudjo No. 3-05-70778JCS, was served today as follows:

Via Hand Delivery  
Geoffrey Hansen  
Federal Public Defender's Office  
450 Golden Gate Avenue

I certify under penalty of perjury that the foregoing is true and correct.

Executed on November 3, 2005 at San Francisco, California.

\_\_\_\_\_/s/  
Rawaty Yim  
United States Attorney's Office